

165). (*See generally* Mot. Reduc. Sen., ECF No. 158); (Mot. Reduc. Sen., ECF No. 162). The Government filed a Response, arguing the Court does not have jurisdiction to grant the relief Defendant requests. (Govt.’s Resp. 2:4–23).

4 **II. LEGAL STANDARD**

5 An avenue through which a defendant may reduce their sentence is found under 18
6 U.S.C. § 3582(c). “A federal court generally ‘may not modify a term of imprisonment once it
7 has been imposed.’” *Dillon v. United States*, 560 U.S. 817, 819 (2010) (quoting 18 U.S.C. §
8 3582(c)). An exception to this provision allows the Court to reduce a defendant’s sentence if
9 after considering the factors under 18 U.S.C. § 3553(a), the Court finds there are extraordinary
10 and compelling reasons for reduction. 18 U.S.C. § 3582(c)(1)(A). Another exception states the
11 Court may modify a sentence if allowed by statute or by Fed. R. Crim. Pro. 35. 18 U.S.C. §
12 3582(c)(1)(B). Rule 35(a) allows the Court to correct a sentence within 14 days after
13 sentencing if the sentence “resulted from arithmetical, technical, or other clear error.” In
14 addition, § 3582(c) grants the Court authority to reduce a sentence “in the case of a defendant
15 who has been sentenced to a term of imprisonment based on a sentencing range that has
16 subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2); *see also*
17 *Dillon*, 560 U.S. at 825 (noting that “§ 3582(c)(2) does not authorize a sentencing or
18 resentencing proceeding” but instead provides for the “‘modif[ication of] a term of
19 imprisonment’ by giving courts the power to reduce an otherwise final sentence in
20 circumstances specified by the Commission”) (alteration in original). This authority to modify
21 a previously-imposed prison sentence “represents a congressional act of lenity intended to give
22 prisoners the benefit of later enacted adjustments to the judgments reflected in the Guidelines.”
23 *Dillon*, 560 U.S. at 828.

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1 **III. DISCUSSION**

2 Defendant seeks a reduction in sentence; specifically, one that changes the character of
3 his conviction from a felony to a misdemeanor. (*See* Mot. Reduc. Sen. 1:23–27). He raises four
4 issues to support his Motion for Reduction of Sentence: (1) the allegedly flawed presidential
5 pardon system; (2) the Internal Revenue Service’s failure to audit him instead of the
6 Government seeking an indictment; (3) a difference in opinion of his trial attorney’s trial
7 strategy; and (4) allegedly unprofessional remarks by the Honorable Lloyd D. George during a
8 hearing. (*See id.* 3:1–7:5). He further lists four grounds regarding why he seeks reduction,
9 namely, to restore his rights to: (1) hold public office; (2) possess a firearm; (3) vote; and (4) be
10 impaneled for jury duty. (*See id.* 7:13–8:27).

11 The Government responds by treating Defendant’s Motion as either seeking to reduce his
12 sentence or vacate his conviction. (*See* Govt.’s Resp. 2:4–23). As to the former, the
13 Government argues the Court lacks jurisdiction to reduce Defendant’s sentence under 18
14 U.S.C. § 3582(c) and Rule 35(a) of the Fed. R. Crim. Pro. (*Id.* 2:4–7). As to the latter, it
15 contends “there is no authority and no procedure under federal law” for a district court to
16 change the character of Defendant’s character of conviction from a felony to a misdemeanor.
17 (*Id.* 2:12–23).

18 Here, Defendant does not offer, and the Court does not find, any authority to reduce his
19 sentence from a felony to a misdemeanor. *Cf.* 18 U.S.C. § 3582(c) (being silent on whether
20 district courts can reduce a sentence from a felony to a misdemeanor). Defendant does not
21 show that he satisfies any exception to the general rule that the Court cannot modify a term of
22 imprisonment once it has been imposed. *Dillon*, 560 U.S. at 819. Instead, he cites Article III of
23 the United States Constitution to argue the Court can reduce his sentence in the way he wishes.
24 (*See* Reply Govt.’s Resp. 3:3–11). However, this argument is misguided; district courts are
25 generally bound by Congressional statutes and established caselaw to interpret law. Defendant

1 has previously conceded that there is no statutory authority granting this Court the power to
2 reduce his sentence from a felony to a misdemeanor. (*See* Reply Govt.'s Resp. at 1, ECF No.
3 160). As Defendant has not provided any authority from which the Court may grant the relief
4 he requests, the Court will not reduce Defendant's sentence.

5 **IV. CONCLUSION**

6 **IT IS HEREBY ORDERED** that Defendant's Motion for Reduction of Sentence by a
7 Person not in Federal Custody from One Count Felony Filing False Tax Return to One Count
8 Misdemeanor Filing a False Tax Return, (ECF No. 165), is **DENIED**.

9 **IT IS FURTHER ORDERED** that Defendant's Motion for Hearing Regarding the
10 Motion for Reduction of Sentence, (ECF No. 166), is **DENIED**.¹

11 **IT IS FURTHER ORDERED** that Defendant's the Motion for Waiver of Fees, (ECF
12 No. 164), is **DENIED as moot**.²

13 **DATED** this 5 day of July, 2022.

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17 Gloria M. Navarro, District Judge
18 UNITED STATES DISTRICT COURT
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25 ¹ The Court finds it does not require oral arguments from the parties to resolve this matter. As such, the Court denies Defendant's Motion for Hearing.

² Defendant is not required to pay fees to file his Motion for Reduction of Sentence. Accordingly, the Court denies as moot Defendant's Motion for Waiver of Fees.